

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RONAN J. KYLES,

Plaintiff,

v.

Case No. 18-CV-2003

**MARY JO TRUNNELL,
SYLVIA BERGELIN,
JEREMY GLOUDEMANN,
KESHA PACKER,
LOTUS WILSON,
JENNIFER VAUGHAN,
AND JEAN PRINCE,**

Defendants.

ORDER

Plaintiff Ronan J. Kyles, a state prisoner proceeding *pro se*, filed this civil rights complaint under 42 U.S.C. § 1983. The court screened the amended complaint and allowed Kyles to proceed on a claim that the defendants were deliberately indifferent to his serious medical need, in violation of the Eighth Amendment to the United States Constitution. (ECF No. 12 at 5.) On September 26, 2019, the defendants filed a motion for summary judgment for failure to exhaust administrative remedies and a motion to stay discovery and case deadlines. (ECF Nos. 38, 42.)

In their motion to stay, the defendants move for an order staying all case deadlines until the court renders a decision on their motion for summary judgment

for Kyles's failure to exhaust administrative remedies. (ECF No. 42.) The defendants assert that their summary judgment motion, if granted, will result in the complete dismissal of this case, and discovery on the merits of Kyles's case is irrelevant to the exhaustion issue. (*Id.*)

Exhaustion of administrative remedies is a condition precedent to suit. *Dixon v. Page*, 291 F.3d 485, 488 (7th Cir. 2002) (citing *Perez v. Wis. Dep't of Corr.*, 182 F.3d 532, 535 (7th Cir. 1999)). The court must address the exhaustion issue before turning to the merits of the case. *See Pavey v. Conley*, 544 F.3d 739, 740 (7th Cir. 2008). Any discovery concerning the merits of the plaintiffs' claims is premature prior to resolution of the defendants' motion for summary judgment based on exhaustion. Thus, the court will grant the defendants' motion to stay discovery and case deadlines. This means that the parties may not conduct discovery related to the merits of Kyles's claims and that the defendants do not need to respond to Kyles's motion for summary judgment at this time.

THEREFORE, IT IS ORDERED that the defendants' motion to stay discovery and case deadlines (ECF No. 42) is **GRANTED**.

Dated at Milwaukee, Wisconsin this 1st day of October, 2019.


WILLIAM E. DUFFIN
U.S. Magistrate Judge